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Written statement* submitted by the European Centre for Law and Justice / Centre Européen pour le Droit et la Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Requesting that the U.N. recognise ISIS atrocities against Christians and other religious and ethnic minorities as genocide and take immediate appropriate action

1. INTRODUCTION

In February of 2018, the ECLJ submitted its fifth written and oral testimony to this Council requesting that the United Nations (U.N.) declare that ISIS is committing genocide against Christians and other religious minorities and stand against the genocide by aiding and bringing justice to the victims.

Since then, significant work has been accomplished, including the Security Council's passage of Resolution 2379 and the subsequent approval of the Secretary-General's Terms of Reference in which he stated that he will "[E]xpeditiously appoint a special adviser as head of the Investigative Team"[1]. It is critical that this mission begins without delay.

As stated in the Terms of Reference, the Investigative Team "[S]hall support domestic efforts to hold the terrorist group Islamic State in Iraq and the Levant (ISIL) . . . accountable by collecting, preserving and storing evidence in Iraq of evidence that may amount to war crimes, crimes against humanity and genocide committed by ISIL (Da'esh) in Iraq"[2].

This is only the beginning step in a long overdue process. This Council and all Member States must demand that the Special Adviser be appointed immediately. It will take time for the Investigative Team to collect and preserve the evidence of the ISIS genocide. Meanwhile, the victims are still suffering, and while ISIS is now on the run, the damage that has resulted from the ISIS genocide has created a massive humanitarian crisis. In order to provide for the lasting resettlement of Christians and other ethnic minorities there are two actions that the U.N. must take immediately.

First, the U.N. must declare that the atrocities ISIS has been carrying out against Christians and other religious and ethnic minorities constitute genocide. Second, the U.N. must provide the assistance and security necessary to allow recovery from the destruction caused by ISIS's genocide and to allow for the lasting resettlement of the victims.

2. BACKGROUND

As the ECLJ has submitted before, the actions ISIS has been carrying out against Christians and other religious minorities in Iraq and the Syrian Arab Republic clearly embody the definition of genocide as enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide[3].

ISIS's systematic pattern of widespread murder and sexual abuse has forced thousands of Christians to flee from Iraq. These acts are leading to the wholesale destruction of Christians as a group in the region. Massive deportations,

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1U.N. Security Council, *Letter Dated 9 February 2018 from the Secretary-General Addressed to the President of the Security Council*, S/2018/118 (14 Feb. 2018), *available at* http://undocs.org/S/2018/118.

2*Id.*

3Genocide is "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

> (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group."

Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948.

widespread killings, and countless rapes may be construed as steps in the process of "gradual weakening of the population" that will result in a religious cleansing of all Christians from ISIS controlled territories[4].

A declaration of genocide is necessary because it opens up avenues of aid that are otherwise unavailable to the victims of the ISIS genocide and the U.N. can begin to take the steps necessary to halt the genocide and fulfil its responsibility to protect the victims.

Now that ISIS controlled areas are being liberated, Iraqi Christians have begun to return home to northern Iraq only to have to turn around and leave once again because of continued conflict in the area[5] or other reasons. The reports are bleak:

> "The reality is we cannot stay without the U.S. or the U.N. helping to protect Nineveh directly," Father Afram al-Khoury Benyamen told Fox News after Sunday mass recently at St. George Cathedral, a 133-year-old church. "With international protection maybe we can remain, but if it doesn't come soon . . . we go"[6].

"ISIS is not finished in Mosul and still they can come straight here," the priest said. "We expect more attacks. It is like staring into the darkness". He continued, "We are the original people, the indigenous people here in Iraq and the government should want us to stay. Instead there is nothing"[7]. And he explained the living conditions in his hometown this way: "The village is dirty and there is no electricity. No water coming, no markets. All of our people are thinking to immigrate and leave"[8].

As has been demonstrated, continued conflict in the area poses a hindrance to the expeditious and lasting resettlement of Iraqi Internally Displaced Persons (IDPs) in their homes. It is therefore necessary for the U.N. to take intermediate measures, as well as permanent measures, to provide aid and protection.

IDPs in Iraq are facing a grave humanitarian crisis. Information we are receiving from those working on the ground to provide assistance confirms the reality of the situation and the need for assistance in addition to providing safety and basic necessities. As IDPs begin to return home they face many legal challenges in establishing their identities and obtaining new personal identification documents. Additionally, they need assistance in obtaining documents to prove their former residences and to obtain relief from U.N. agencies. In order to provide for the true lasting resettlement of the IDPs, all these issues need to be addressed.

3. REQUEST

Again, numerous international bodies have condemned ISIS's barbaric acts as acts of genocide. Several members of this Council, such as Germany, Belgium, France, Switzerland, Costa Rica, Liechtenstein, Ecuador, and The Netherlands, have also acknowledged that ISIS is committing genocide against religious minorities. While these nations stopped short of including Christians as victims of this genocide, the recognition of genocide itself is an important step that will help protect all victims.

The growing body of evidence demonstrates that the inhuman violence at issue, is in fact, genocide as defined by the Convention. The victims of ISIS's genocide deserve the recognition and protection of the international community, yet

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4*Karadzic*, Case Nos. IT-95-5-R61, IT-9-18-R61, at ¶ 63.

5Perry Chiaramonte & Hollie McKay, *Iraqi Christians Forced to Flee Homes Again After Skirmishes Between Kurds and Central Government*, (24 Oct. 2017), http://www.foxnews.com/world/2017/10/24/iraqi-christians-forced-to-flee-homes-again-after-skirmishes-between-kurds-and-central-government.html.

6Hollie McKay, *Life after ISIS: Christians Say They Can't Go Home Without International Protection*, Fox News (5 Dec. 2017), http://www.foxnews.com/world/2017/12/05/life-after-isis-christians-say-cant-go-home-without-international-protection.html

7*Id.*

8*Id.*

the world's premier international body has failed to recognise that they are indeed victims of genocide. Time is running out and action must be taken immediately, as one Christian survivor said of the U.N.'s inaction, "[N]o one cares about us like we are not human"[9].

While the ECLJ calls for swift and decisive action by the international community to address the genocide and protect its victims, it also understands that first the U.N. *must* recognise that the atrocities ISIS has been committing constitute genocide. A declaration by this Council that ISIS is engaged in genocide against Christians and other religious minorities and action by this Council calling for the U.N. Security Council (and other appropriate organs of the U.N.) to follow suit would carry significant weight.

The U.N. must stand against the evils of the ISIS genocide and use all available options by, as we are advocating, implementing appropriate penal tribunals, administering a more efficient delivery of aid, and providing meaningful in-region protection for victims such as the establishment of safe-zones.

The U.N. must defend the rights of all religious minorities, including the Christians in Iraq, Syria, and any other place where ISIS has been engaging in genocide – without delay. The very mission of this organisation requires nothing less.

4. CONCLUSION

Therefore, the ECLJ and more than 739,000 individuals worldwide who have signed our petition, urge the U.N. to declare these atrocities as acts of genocide and to assist those seeking to return home and facilitate the ultimate and lasting resettlement of the victims of ISIS's atrocities, including those who survive the genocide.

9GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (9 Mar. 2016), *available at* http://www.stopthechristiangenocide.org/en/resources/Genocide-report.pdf.